

REMARKS

Applicant has amended claims 1-3, 5, 19, 26, 27, 30, and 33, and has cancelled claims 6, 41, 43, and 45 without prejudice. Applicant also has added new claims 46-50. Claims 1-5, 7-40, 42, 44, and 46-50, of which claims 1, 19, 26, 27, 30, 33, 42, 44, and 47-50 are independent in form, are presented for examination.

The Examiner has rejected claims 1-45 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,645,934 (Marcolongo). Applicants have cancelled claims 6, 41, 43, and 45, thereby rendering the rejection of those claims moot.

As amended, claims 1-5, 7-18, and 27-40 recite a medical device comprising a ceramic fiber comprising a metalloid. In the application, Applicant noted that, "As used herein, 'metalloid' means those elements exhibiting chemical characteristics that are between metallic and non-metallic characteristics. Metalloids include boron, silicon, germanium, arsenic, antimony, tellurium and polonium." (Application, page 5, lines 13-16.)

Claims 1-5, 7-18, and 27-40 are not anticipated by Marcolongo, at least because Marcolongo fails to disclose or suggest medical devices that include a ceramic fiber including a metalloid. Marcolongo discloses composites that include ceramic fibers (e.g., calcium phosphate ceramic fibers) intermingled with structural fibers (e.g., carbon fibers) in a polymeric matrix. (Marcolongo, col. 1, lines 6-11; col. 9, lines 49-52.) The composites can be used to form implantable surfaces. (Id., col. 1, lines 6-11.) Marcolongo does not disclose or suggest that the ceramic fibers include a metalloid. Thus, Marcolongo fails to disclose or suggest the medical devices of claims 1-5, 7-18, and 27-40, and Applicant accordingly requests that the rejection of these claims be withdrawn.

As amended, claims 19-25 recite a medical device comprising a ceramic fiber and a non-ceramic fiber, wherein the medical device is in the form of a stent, a stent-graft, or a graft. Marcolongo fails to disclose or suggest stents, stent-grafts, or grafts. While Marcolongo discloses composites that can be used to form implantable surfaces, the implantable surfaces are meant to serve as prosthetic devices (e.g., hip implants) that function similarly to bone. (See id., col. 1, lines 6-21; col. 2, lines 51-53.) Marcolongo fails to disclose or suggest the medical

devices of claims 19-25. Applicant therefore requests that the rejection of claims 19-25 be withdrawn.

As amended, claim 26 recites a method of making a medical device, wherein the device is in the form of a stent, a stent-graft, or a graft. For at least the reasons provided above, Marcolongo fails to disclose or suggest the method of claim 26. Thus, Applicants request that the rejection of claim 26 be withdrawn.

Claim 42 recites a graft comprising a ceramic fiber. For at least the reasons provided above, Marcolongo fails to disclose or suggest the graft of claim 42. Accordingly, Applicant requests that the rejection of claim 42 be reconsidered and withdrawn.

Claim 44 recites a medical balloon comprising a ceramic fiber. As noted above, Marcolongo discloses composites that can be used to form implantable surfaces. The implantable surfaces are meant to serve as prosthetic devices (e.g., hip implants) that function similarly to bone. Marcolongo fails to disclose or suggest medical balloons. Thus, Applicant requests that the rejection of claim 44 be reconsidered and withdrawn.

New claim 46 depends from claim 1, and is patentable at least for the reasons provided above. New claims 47-50 are directed to medical devices or methods of making medical devices, wherein the medical devices are in the form of a medical balloon or a catheter. Marcolongo fails to disclose or suggest the medical devices and methods recited in new claims 47-50.

Applicant believes that the claims are in condition for allowance, which action is requested.

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Serial No. : 10/762,816
Filed : January 22, 2004
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Attorney's Docket No.: 10527-455001 / 02-312

A check for excess claims fees is enclosed. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: DECEMBER 14, 2004

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